IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3437 of 2004

MADAN LAL
V/S
STATE & ORS

Mr. RK RATHI, for the appellant / petitioner

Mr. SANGEET LODHA(CAVEATOR), for the respondent

Date of Order : 23.8.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

This writ seeks to challenge the temporary permit granted to the Corporation on the route Dungarharh Railway Station to Lunkaransar and vice-versa. The petitioner claims to be existing operator on the route and alleges that since the villagers of Gusaisar Kodera started not to pay the bus fare to the operators, and started beating with the drivers and conductors of the buses plying on the route, therefore, the bus operators of the route stopped operating of their vehicles on the route till the necessary security arrangements are made, and an application in that regard submitted, being Annexure-2. According to the petitioner, necessary assurance was given, and the operator started plying their vehicles since 26.7.04, while the application, Annexure-2 is said to be dated 16.7.04. From the application dated 16.7.04, it transpires that operation of the buses has been stopped since that date. It is, in these circumstances, that the corporation moved application for grant of temporary permit, and thereupon on 26.7.04, vide Annexure-7, the permit was granted.

The contention of the learned counsel for the petitioner is that in the application, Annexure-6, the temporary need was not mentioned, and in absence of which, the RTA had no jurisdiction to grant permit.

Learned counsel for the corporation raised a preliminary objection, to the effect, that since the route is not a notified route, after enactment of the new Motor Vehicles Act, the existing operator on the route has no locus-standi, even to raise any objection against grant of new non-temporary permit to anyone, he cannot be conceded any authority to object the grant of temporary permit.

Learned counsel for the respondent relied on the judgment of Hon'ble the Supreme Court in Mithilesh Garg, etc. etc. Vs. Union of India & Ors, reported in AIR 1992 SC 443. In reply, learned counsel for the petitioner relying upon the judgment of Calcutta High Court in Sanjit Kumar Sardar & Ors. Vs. State of West Bengal & Ors., reported in

AIR 1996 Calcutta 135, submitted that the petitioner has a right to object.

Having gone through the two judgments, in my view, the judgment in Sanjit Kumar's case has no bearing on the controversy for variety of reasons, including the fact that, that judgment proceeds on taking into consideration the provisions of the old Motor Vehicles Act. Be that as it may.

In my view, the fact remains that when the petitioner has no locus-standi to raise any objection even against the grant of non-temporary permit, the petitioner can hardly be conceded any locus-standi to object against the grant of temporary permit. True it is, that in the application, Annexure-6, specific detail of the temporary need is not given, but then, that was for the RTA to consider, as to whether there existed any temporary need, or not, and if realising the temporary need, the RTA had granted permit, it is not open to the petitioner to challenge such grant of permit by way of this writ petition.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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